

**The Implementation of the
Juvenile Justice and
Delinquency Prevention Act
in Arizona**

**a report from the arizona state
juvenile justice advisory council**

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ACQUISITIONS

A Report From The
Arizona State Juvenile Justice
Advisory Council

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INTRODUCTION

Nationwide concern about the problems of increasing juvenile crime and the apparent ineffectiveness of the juvenile justice system prompted the passage of the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act). This act was the first major piece of federal legislation with direct impact on the juvenile justice system.

The JJDP Act was designed to assist state and local governments in developing programs to prevent and combat the delinquency of troubled youth. Special emphasis was placed on non-criminal children — runaways, truants, and incorrigibles, called “status offenders” by Congress. By focusing on prevention and providing alternatives to traditional detention and correctional facilities, the Act was designed to help these troubled youth.

The Implementation of the Juvenile Justice and Delinquency Prevention Act in Arizona presents an overview of the JJDP Act and discusses its application in Arizona. This booklet is designed for use by juvenile justice administrators, practitioners and others concerned with the impact of the JJDP Act on juvenile justice in Arizona. The booklet is not comprehensive in describing all aspects of the JJDP program or the respective difficulties of its implementation. Rather, it summarizes the status of the Act in Arizona and its progress. The subject is complex and this booklet is meant to give the highlights and basic information about the intent and general implementation of the Act.

This report is divided into four sections. The first section discusses the history and philosophy of the JJDP Act, principal components and current status nationwide. The problems, present standing, and future plans of the Act in Arizona are presented in the second section. Statistics related to the impact of the Act in Arizona are discussed in the third section. The fourth section discusses key issues relating to the Act as contained in testimony by the State Juvenile Justice Advisory Council before the Joint Juvenile Justice Committee of the Arizona State Legislature in December, 1978.

This booklet has been developed through the sponsorship and cooperation of the State Juvenile Justice Advisory Council. The Council's members are appointed by the Governor and perform oversight responsibilities for the successful implementation of the JJDP Act in Arizona.

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

HISTORY

In the early 1970's Americans were becoming increasingly concerned about the rights of youth in the juvenile justice system. During this time, it became apparent to many juvenile justice administrators and practitioners that special provisions should be made for behavior demonstrated by youth which was not acceptable to society, but yet was not criminal in nature. Behavior such as running away from home, truancy, possession of an alcoholic beverage, or ungovernable behavior which did not present a threat to the person or property of others, were classified as such. These activities, because of their frequency, often appear as incidental to the process of growing up for many youth. Children participating in these activities were referred to as "status offenders" because the behavior was committed by youth, and not an adult. Had an adult committed the behavior, the activity would not have been considered criminal.

Congress, in investigating the handling of status offenders, concluded that non-criminal juveniles were not receiving the same equal protection and rights under the law as non-criminal adults. The incarceration of a juvenile for an act not considered criminal for adults appeared to be a double standard and a violation of the equal protection law. The U. S. Supreme Court in the Gault (1976) and Winship (1970) decisions assured due process and certain legal rights for alleged and adjudicated (judged) delinquent children. In order to prevent the unwarranted incarceration of non-criminal juveniles in secure (lock-up) facilities, the JJDP Act was passed in 1974, after three years of Congressional hearings.

PRINCIPAL COMPONENTS

The JJDP Act provides federal financial assistance to states so that they can develop their own local programs in delinquency prevention, diversion, and alternatives to secure incarceration. Emphasis is placed on community-based treatment and prevention services. Major provisions of the Act include:

- Separation by sight and sound of juveniles from adults in jails and correctional institutions.

- Citizen participation in the planning process through an advisory council.
- Coordination of planning and the providing of services with federal, state, and local governmental bodies, as well as private agencies.
- Emphasis on prevention. The concept is to address the precipitating problem rather than dealing with the symptom.
- Emphasis on viewing status offenses as social problems which require strengthening of the family unit and community involvement in prevention and treatment measures.
- Deinstitutionalization of status offenders.
- A monitoring system to assure compliance with the Act's provisions.

PHILOSOPHY OF THE ACT

The JJDP Act is founded on the assumption that a positive and preventive response to a status offender is more appropriate than incarceration. Proponents of this Act believe that incarceration increases a child's alienation, resentment and exposure to delinquent behavior and peer pressure. Other adverse effects of incarceration upon the non-criminal juvenile include the development of an expertise on crime, stigmatization, and the disruption of supportive community contacts. Those who support the Act believe that incarceration punishes the child and does not correct or address the cause of the problem — the family or environmental situation of the child.

The JJDP Act promotes the integration of the offender back into his family unit with community-based services to relieve and prevent the youth's disruptive behavior. A full range of remedial services are needed if the diversion of these cases from the juvenile justice system is to become a reality. These remedial services include improved services for youth in their own homes and in the community, improved school-related services to reduce truancy (or the repeal of compulsory school attendance laws), and a full range of services to assist individuals at the first sign of "status offense" behavior. Crisis centers, temporary shelter care and individual and group counseling services for youth and parents are required. Under such an arrangement, law enforcement and court intake staff would serve as a referral source to these community based treatment services.

A major requirement of the Act is that states assure that juvenile offenders are not being held in lock-up facilities where direct and regular contact with adult criminals is possible. Arizona law clearly requires this same prohibition. The Arizona Constitution, Article 22, Section 16, provides that minors under the age of 18 may not be confined in the same section of a jail or prison where adult prisoners are confined. The philosophy behind this requirement is that separation prevents association with adults charged with or convicted of crimes, who would be likely to influence youth.

CURRENT NATIONAL STATUS

Initially, the JJDP Act required that participating states immediately implement the separation of juveniles from incarcerated adults. It also required that within a two-year period, status offenders no longer would be detained in lock-up facilities. When it became obvious that not a single state could fulfill the mandated deadlines for status offenders, Congress relented and loosened the standards and deadlines. In 1977, the JJDP Act was amended to allow participating states three years to get 75 percent of their status offenders, rather than 100 percent, out of detention and correctional facilities. Total deinstitutionalization was expected to take place within a five-year period. These modifications helped to generate more interest from states.

Additional interest was generated within states when federal funds for implementing the Act were increased substantially. For the 1979 fiscal year, Congress awarded \$100 million for implementation of the JJDP Act; the amount disbursed during the first three years of the program totaled \$77 million.

Although these modifications were positive in their effect upon state involvement in the program, there were problems regarding how funds should be allocated. Some of the least populated states were eligible for only \$225,000 a year, and their officials contended that it would cost millions just to comply with the rules of "commingling" (the mixed incarceration of adults and juveniles). Federal officials responded to this complaint by pointing out that the federal funds each state received were never intended to pay for compliance with the law; the states were expected to use their own funds for that purpose, and to use the federal money to fund a variety of improvements and innovations in both juvenile

institutions and community programs. As with other Law Enforcement Assistant Administration (LEAA) programs, part of the juvenile justice money was restricted to "discretionary" national demonstration programs selected by LEAA.

While no state has met the goals of the JJDP Act entirely, many have made substantial efforts in that direction. A survey last year by Pennsylvania's Joint Council on the Criminal Justice System found that 34 states still have laws that allow status offenders to be placed in correctional institutions. But in California, Pennsylvania, Washington, Virginia and more than a half dozen other states, the JJDP Act has provided some of the stimulus for radical liberalizing of laws detailing how police are to handle juveniles they pick up. New Jersey, for instance, has flatly told every county to set up some sort of non-secure detention facility and has banned the placement of status offenders in any other type of institution. New York now requires special permission before a teenager can be put in a holding facility that houses adults.

Utah has made great progress toward meeting the goals set in the 1974 statute. Last year, the state put into effect a new law that gives the State Department of Social Services the primary responsibility for dealing with status offenders. The Department's Division of Family Services usually finds a shelter home for them, or returns them to their own families. Previously, runaways and youths deemed ungovernable were processed through the juvenile court system and quite often they ended up in jail for a day or two, waiting to see a judge. In 1974, half the youths behind bars in Utah were status offenders. Today, the figure is less than 20 percent; the state industrial training school in Ogden now houses only two status offenders.

In Georgia, the reform was spearheaded by two state senators who themselves, as teenagers, had run away from dangerous home situations. Now, a network of voluntary families has been set up which each year keeps an estimated 800 youths from having to spend overnight or longer in a local jail. In Kansas, the legislature recently dropped an "escalation clause" that allowed courts to label a juvenile who was picked up three times on status offenses as a "miscreant" and place him in an institution.

Despite the positive reforms cited in the previous examples, speculation exists about the data collected on juvenile corrections systems. Results of a study conducted by the General Accounting Office (an investigative arm of Congress) indicate that there is still too little solid information on how closely states are complying. "Progress has been made," the agency concluded, "but the question of how much is not only subjective, but difficult to answer because of the absence of reliable data." Much of the information needed can only be gained through very detailed surveys. A study by Arthur Little, Inc. (1978) found that while many states claimed to have no juveniles locked up in penal institutions, some were found to be keeping runaways and "incorrigible" children (beyond the control of parent or guardian) in local detention centers before adjudication. This is just one example that highlights the need for careful detailed surveys in order to obtain true assessments.

There is also a problem as to how much of the reforms in states' juvenile correction systems can be accredited to implementation of the JJDP Act. Massachusetts, for instance, started reforming its juvenile corrections system by closing all its training schools and decriminalizing all status offenses four years before the JJDP Act was passed. Perhaps the only conclusion that can be drawn regarding the effects of the Act is that it has prompted states to closely examine their existing programs and evaluate them in terms of appropriateness of treatment of the status offender population.

ARIZONA'S PARTICIPATION IN THE ACT

HISTORY OF ENTRY INTO THE ACT

Not long after the JJDP Act was passed by Congress, it was becoming increasingly evident that status offenders constitute a sizeable portion of the juvenile justice system's clientele in Arizona. In 1975 a total of 40,000 youths were referred to Arizona's juvenile court. A high percentage of these referrals (27% or 10,880) were status offenders. The number of status offenders kept in detention facilities was also very high. See Table 1.

TABLE 1
NUMBER OF STATUS OFFENDER REFERRALS
TO JUVENILE COURT AND
STATUS OFFENDER DETENTIONS, 1975

	Total Number of Status Offenders	Detentions for Status Offenders	
		Number	Percent
Apache	33	10	30.3
Cochise	419	114	27.2
Coconino	624	242	38.8
Gila	172	78	45.3
Graham	76	17	22.4
Greenlee	55	0	0
Mohave	144	144	100.0
Maricopa	4,786	1,531	33.0
Navajo	107	107	100.0
Pima	2,942	792	26.9
Pinal	295	71	24.1
Santa Cruz	14	9	64.3
Yavapai	319	126	39.5
Yuma	894	412	36.8
Total	10,880	3,653	34.0

SOURCE: 1978 Arizona State Comprehensive Criminal Justice Plan

As a result of this increasing number of status offenders contained in detention facilities in Arizona and the impetus of the JJDP Act, the state initiated discussion and debate regarding the appropriate treatment of status offenders. Some professionals felt that chronic status offenders and out-of-state runaways required harsher treatment than those less serious status offenders who were primarily victims of dysfunctional families and social environments. Some law enforcement agencies asserted that detention of status offenders provided a viable tool to deal with undesirable gang and street activities. Others voiced the opinion that non-criminal juvenile offenders should be totally separated from juvenile court jurisdiction and should be handled by a network of community-based social services.

Numerous obstacles prevented any immediate major change in the treatment of status offenders. Non-secure residential facilities or temporary shelter care centers did not exist as alternatives to county detention centers. The annual estimated cost to totally deinstitutionalize status offenders was high, varying up to \$5 million. These factors, coupled with the uncertainty of continued federal funding and the reluctance to adhere to federal guidelines, resulted in a fear to commit the state to attempt total compliance with the federal status offender standards. For those juvenile justice practitioners and administrators who agreed that status offenders should be deinstitutionalized, there was disagreement as to what extent this change should take place.

In September, 1976, the first juvenile justice plan for Arizona was written. This plan identified the need for increased community-based treatment and prevention services and described the various options for reducing the use of detention facilities for status offenders. Based upon this plan, in December, 1976, the Governor committed the state of Arizona to full participation in the JJDP Act, with the understanding that Arizona would attempt a good faith effort to deinstitutionalize status offenders. As a result of this commitment, the state of Arizona was expected to achieve, by August 1978, a 75 percent reduction in the number of status offenders and non-offenders who are held in detention facilities. (Non-offenders are sometimes referred to as "dependent youth." The Juvenile Court assumes jurisdiction because care by a parent, guardian or custodian falls short of legal standards of proper care, i.e., the child is neglected, abandoned, or abused.)

The 75 percent reduction in status and non-offenders held in detention facilities in Arizona is to be determined by comparison with the 1975 baseline data previously submitted to LEAA. For instance, the number of status and non-offenders determined from a survey conducted for the month of August 1978, would be compared to the number for August 1975. In order to comply with the JJDP Act, Arizona must show that the number of status and non-offenders for August 1978 is 75 percent less than the number for August 1975.

In addition to deinstitutionalizing status and non-offenders, Arizona was expected to provide sight and sound separation for juveniles and incarcerated adults. Both private and public detention facilities were expected to be monitored on-site, also, in compliance with the Act.

In spite of numerous obstacles related to implementing the JJDP Act, Arizona has taken positive steps to develop effective and more appropriate treatments for children who are experiencing social and family problems. Major steps to decrease the use of detention have been concentrated in both state legislation and in local action programs.

LEGISLATION

Legislation for implementing the JJDP Act began in Arizona in 1977 when a law was passed which prohibited the commitment of incorrigible youths (ungovernables, runaways and truants) to the State Department of Corrections.

This initial legislation was followed in 1978 by an amendment to the children's code. This amendment was passed in order to promote the use of non-secure alternatives for non-delinquent youth, especially at the preadjudication level (before formal court action). The amendment allows a law enforcement officer to refer and transport a non-delinquent child directly to a licensed child care agency or shelter care home for temporary placement. Previously, state law restricted an officer to either return the child to his parents/guardian or to refer the child to the juvenile court. Presently in Arizona, a child who displays disobedient behavior, is a runaway, or is in need of temporary shelter can be referred by law enforcement officials to licensed shelter homes such as Tumbleweed (Phoenix) or

Open Inn (Tucson). It is the responsibility of the shelter home to immediately contact the parents to obtain permission for the child to receive temporary residence and counseling treatment. These licensed shelter homes have a formal contract and orientation procedure for incoming youths. This assures that the child is willing to work toward the resolution of his behavioral or family problems and is not expecting just a "crash pad."

Another example of legislative concern for juvenile justice issues was the establishment of the Joint Juvenile Justice Committee of the Arizona Legislative Council. The committee consists of three state senators and three representatives from the House. In order to best assess the needs and problems of the state's juvenile justice system, the Committee has held four public hearings and has performed several research studies. The major focus of the Committee's research has been on the following topics:

- Status offenders and methods to achieve statutory compliance with the requirements of the JJDP Act.
- The funding of juvenile programs by state, i.e., sources of funds, program effectiveness and state funding policy.
- Dispositional alternatives, including restitution and fines (Variation in decisions handed down in accord with the defendant's own background).
- Repeat and violent juvenile offenders.

LOCAL ACTION PROGRAMS

Forty-three projects which provide prevention, diversionary services and alternatives to incarceration have been funded since January, 1977, with JJDP Act "formula" funds in Arizona. (The bulk of money dispersed by the JJDP Act is formula funds; a smaller amount of money is reserved for "discretionary" national demonstration programs chosen by LEAA.) These projects serve delinquent youth as well as status offenders and non-offenders. Each county has at least one JJDP supported project as a resource for the local juvenile court. The projects vary from supporting shelter and foster care homes to the support of special status offender coordinators, who are placed within juvenile court centers and probation departments. These coordinators provide emergency family counseling and assistance to runaways by attempting to return them out of jurisdiction, as soon as possible, and doing

follow-up action with the family and child in order to alleviate further court action.

These projects which provide prevention and diversionary services have furnished a cost-effective alternative to incarceration. A study conducted by Peat, Marwick, Mitchell and Co., (1978) showed that the average unit cost for the county to serve and handle a status offender has declined from \$630 to \$520 per person in Pima County. In addition, the study revealed that shelter care costs for status offenders averaged \$25 a day, compared to the \$72 per day expended for secure detention by the Pima County Juvenile Court.

Considerable changes have taken place by county in efforts to implement the JJDP Act. In Cochise County, the juvenile court has recruited and trained nine foster homes which function as temporary alternatives for non-criminal children who otherwise might be placed in a detention center. Yuma County Juvenile Court has entered into a collaborative effort with the Yuma Council on Abuse and Neglect and the Yuma Association for Behavioral Health Services to develop a shelter care facility for non-criminal youth. The Pinal County Juvenile Probation Department has developed specialized staff to handle status offenders and to find within 24 hours placement other than detention centers.

In Maricopa County prevention services that provide diagnostic evaluation, positive peer group counseling, work and recreational activities have been implemented. In addition, the Maricopa County Juvenile Court has developed strict criteria which limits the use of detention for juveniles. This detention is limited to juveniles who will not be present at a hearing, who are suicidal, physically dangerous, or susceptible to serious bodily harm.

Crisis intervention services have been greatly increased for families in Maricopa County through the Information and Referral Juvenile Justice project. This project alone handled 1,884 juvenile related calls in 1978. The Scottsdale Police Department has a crisis intervention unit to respond to family fights, child abuse, sexual assaults and other crisis situations. The largest proportion of cases encountered by this unit in 1978 involved juvenile-family related crises. When parents file a report on a runaway or incorrigible child, the report goes directly to the crisis intervention unit for investigation. The crisis center fulfills a diversionary role, in that less than 5

percent of the youths served by the crisis intervention unit are ever referred to the juvenile court center. The youths that are referred to the juvenile court center are referred only for Family Crisis Unit counseling and not for detention, unless the individual constitutes a serious danger to self or others.

Although numerous local programs have been developed to implement the JJDP Act in Arizona, the future of these efforts is presently uncertain. In order for a state to receive funds to continue to operate local programs, complete deinstitutionalization of status and non-offenders must take place by 1980. States have constantly expressed the opinion that the 100 percent prohibition against the use of secure detention for these individuals is impractical and difficult to achieve. In awareness of this problem, the Federal Office of Juvenile Justice within LEAA has stated that in 1980 the efforts of each state will be measured on a case by case basis. LEAA has stated that failure to deinstitutionalize status offenders will result in a decrease in federal funds allocated to that state, unless the failure is *de minimus*. This legal term has not been defined by LEAA other than their stating that an extremely small percentage of status offenders could be detained under extraordinary circumstances.

However, a major obstacle has developed with proposed budget cuts for the 1980 federal fiscal year. At the time that this publication is being written, it is uncertain as to the final appropriation for the JJDP Act for 1980, since Congressional action is still pending. The proposed budget submitted by the President to Congress included a \$50 million reduction in the JJDP Act appropriation. Such a reduction would deteriorate the Arizona allocation from \$701,000 in 1979 to \$314,000 in 1980, drastically reducing local programs and resulting in termination of many major juvenile justice projects.

Many juvenile justice practitioners and administrators have initially felt that there never have been sufficient appropriations under the JJDP Act to implement the large scale reforms originally envisioned by Congress. A concentration of federal youth services funding is a viable option to jointly fund and continue many of the shelter care centers and status offender projects that may be terminated in 1980. However, there are numerous administrative and perhaps, legislative changes needed before a real coordination of federal funding processes will occur.

IMPACT OF THE ACT IN ARIZONA

One of the primary objectives of implementing the JJDP Act in Arizona was that by August, 1978, Arizona would show a 75 percent reduction in the number of status offenders and non-offenders who were held in detention facilities. Table 2 compares the number of status offenders detained in county juvenile detention centers and in the State Department of Corrections.*

TABLE 2
A COMPARISON OF DETENTION DATA FOR
STATUS OFFENDERS IN COUNTY JUVENILE
DETENTION CENTERS AND IN THE
STATE DEPARTMENT OF CORRECTIONS

County	Number of Status Offenders Detained		
	August, 1975	August, 1978	% Reduction
Apache	6	2	67
Cochise	25	12	52
Coconino	88	4	95
Gila	12	2	83
Graham	0	0	0
Greenlee	0	0	0
Maricopa	103	32	69
Mohave	6	1	83
Navajo	17	12	29
Pima	32	3	91
Pinal	13	1	92
Santa Cruz	0	0	0
Yavapai	3	1	67
Yuma	34	6	82
Dept. of Corrections	110	10	91
TOTAL	449	86	81

*Non-offenders, or dependent youth, are not included in this table, because in the state of Arizona they are not kept in detention facilities. They are referred, instead, to the Department of Economic Security, where they are provided with necessary services.

As indicated in Table 2, the number of status offenders detained dropped from 449 to 86 during the period of August, 1975, to August, 1978. Thus, a reduction of 81 percent was shown in the number of status offenders contained in county juvenile detention centers and the Department of Corrections.

For monitoring purposes, LEAA definitions of detention centers also include specified private child care facilities. (An example would be a non-secure residential facility used for adjudicated youths, which has a bed capacity for more than twenty persons.) Arizona's efforts to deinstitutionalize status offenders have been hampered by the LEAA definitions. The 1975 baseline data collected for private child care facilities showed 265 detained status offenders. When this number is compared to the number detained in August, 1978, which was 92, a reduction of 65 percent is evident.

The overall reduction for all detention facilities in Arizona (including county juvenile detention centers, the Department of Corrections, and private child care facilities) was 75 percent from August, 1975, to August, 1978. This percentage represents a decrease from 714 to 178 for status offenders detained in all facilities.

In addition to a reduction in the number of status offenders detained, there was also a decrease in the average length of the detention period. In Arizona, the average length of detention for status offenders has decreased from 6.4 days in 1975 to 3.1 days in 1977. Instead of being housed in detention centers for long periods of time, these youth were placed in non-secure shelter and foster care homes and provided with counseling services. In 1978, there were 934 status offenders placed in non-secure shelter and foster care homes in Arizona.

Another primary objective in implementing the JJDP Act was that sight and sound separation for juveniles and incarcerated adults would be provided in county and local jail facilities. During the month of August, 1978, sixty-two county and local jails were surveyed in Arizona. Six of these facilities were found to detain youth, and the majority of these provided adequate separation.

To assess the impact of implementing the Act upon crime in Arizona, juvenile arrest rates have been determined and are shown in

Figures 1 and 2. During the past four years, juvenile arrests have represented approximately one-third of the total arrests made in Arizona by law enforcement agencies.

Figure 1 represents juvenile arrest rates for status offenses for the past four years. Since Arizona officially committed itself to participate in the JJDP Act in December, 1976, data is available to compare the impact of the Act for the first two years of its implementation. During the first year of implementation, the rate of status offenses increased from 11.7 to 12.0 arrests per 1,000 youth; this 2.6 percent increase was due to increased arrests for liquor law violations. (See the Appendix for more complete information on juvenile arrests.) During the second year of implementation a decrease of 4.2 percent in status offenses occurred.

FIGURE 1
JUVENILE ARREST RATES IN ARIZONA
FOR STATUS OFFENSES
PER 1,000 POPULATION

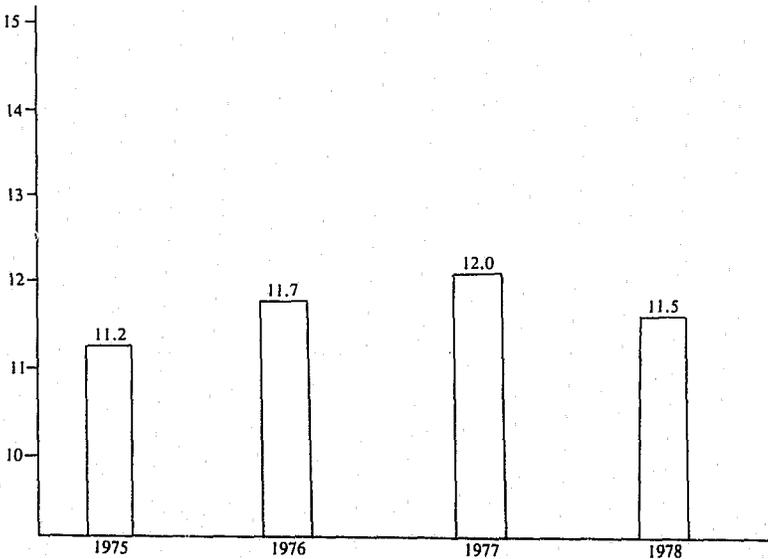
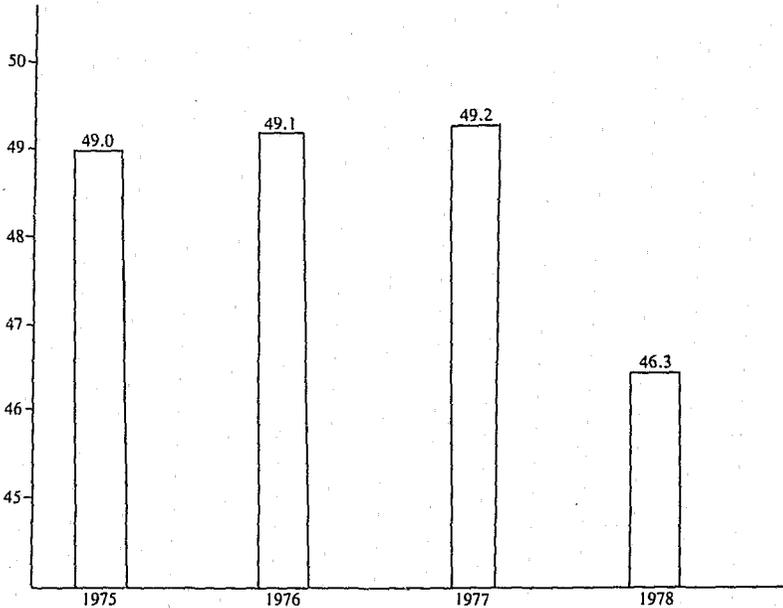


Figure 2 shows the juvenile arrest rates in Arizona for all crimes. During the first year of implementation of the Act, the total rate increased from 49.1 to 49.2 per 1,000 youths (less than 1 percent). However, during the second year of implementation, the change in rate for all crimes was a decrease of 5.9 percent.

FIGURE 2
JUVENILE ARREST RATES IN ARIZONA
FOR ALL CRIMES
PER 1,000 POPULATION



Although the data presented in this section indicate that the juvenile arrest rates for status offenses and all crimes decreased during the second year that the JJDP Act was implemented in

Arizona, it is difficult to determine what percentage of this reduction can be directly attributed to implementing the Act. It seems likely that the numerous local action programs providing prevention, diversion and treatment would account for some of this reduction, but there may be other factors, unrelated to the Act, which were influential in reducing juvenile crime rates. Once detailed data on juvenile crime has been collected in forthcoming years, more accurate assessments to determine the impact of the Act can be made.

In addition to examining crime rates for the first two years of implementing the JJDP Act in Arizona, the number of juvenile arrests projected for the next two years can also be examined. Table 5, in the Appendix of this booklet, shows projections for 1979 and 1980. The "percentage" of total juvenile arrests which are status offender arrests are expected to increase during the next two years. Therefore, it seems imperative that Arizona continue to provide these specialized prevention, diversionary and treatment services for status offenders and that law enforcement agencies make administrative changes to insure appropriate handling of status offender cases.

ISSUES RELATING TO THE ACT*

Joyce R. is 14 years old and is constantly running away from home. Periodically she has arguments with her mother and then decides to leave home. Sometimes she stays away for as long as three or four days. During this time, she makes no effort to contact her parents. They do not know where she goes or with whom she stays. What steps should be taken to alleviate this problem?

Juvenile authorities picked up Harry W. upon request from a local truancy officer. Although Harry is only 15 years old, his average school attendance has been only two days a week. Often, he has been found to frequent the local pool hall. His parents have stated that Harry is an uncontrollable child. Should Harry be told that he will be put in a detention center if he does not attend school?

Don O. is 11 years old and he frequently has alcohol and tobacco in his possession. He has often been seen sharing these possessions with his friends. They have never shown drunken or disorderly behavior, or been convicted of drunken driving. Should Don O. and his friends be admitted to juvenile court for these possessions?

The above cases typify the issue of how status offenders should be handled by the juvenile justice system. The following narrative discussing this issue is an excerpt from a list of recommendations presented to the Joint Juvenile Justice Committee of the State Legislature by the State JJDP Advisory Council on December 5, 1978. There are no simple solutions to the status offender issue but the following recommendations identify some alternatives recommended by the State Advisory Council. The Advisory Council recommends compliance with the JJDP Act intent and is fully committed to the use of community-based treatment and non-secure placement for non-criminal status offenders. The following recommendations detail specific changes or activities that could be implemented in Arizona to promote the intent of the JJDP Act.

*The recommendations within this section are those of the State JJDP Advisory Council and do not necessarily reflect the opinions of the Arizona State Justice Planning Agency or the Statistical Analysis Center.

- 1) The Council feels that the existing definition of delinquent act in Title 8 of the Arizona Revised Statutes should be amended to only include criminal type offenses. This amendment would exclude the present wording that includes "offenses which could only be committed by a child" as delinquent acts. The JJDP Act defines a status offender as a child who is charged with and commits an act that would be neither criminal nor punishable if committed by an adult. Major status offenses include ungovernable behavior, truancy, running away, curfew violation, and possession of alcohol and tobacco. The present Arizona definition of incorrigible is the closest classification to status offender but definitional conflict does exist. In order to alleviate this conflict, the words "public offenses which could only be committed by a child or minor" should be deleted from the definition of delinquent act and could be included under incorrigibility. This would change the Arizona legal definition of an incorrigible child to match the federal definition of status offender.
- 2) The Council assumes the posture that a status offender remains a status offender unless he commits a delinquent act. If he commits another status offense, the child is still a status offender. For example, if a juvenile has been adjudicated a status offender and is placed in a foster home by the court and then runs away, the child is still a status offender and not a delinquent, even though the running away was in violation of a court order. The Council recommends that a dependent or status offender child who violates a court order by committing a dependent or status offense act not be reclassified as a delinquent child, and not be susceptible to detention or commitment to the State Department of Corrections.
- 3) The Council firmly believes that status offenders should never be detained in a secure juvenile detention facility. However, the Council is aware of the difficulties of law enforcement and probation departments in locating parents, performing background checks and finding available alternatives to lock-up. Therefore, the Council recommends that a holding period of 24 hours be allowed. However, this 24 hour period should be used primarily for youth from other jurisdictions and out-of-state runaways.

- 4) As for the handling of status offenders, the use of alternative community resources is encouraged previous to juvenile court referral or court action for all status offenders. Juvenile court involvement should be used as the last resort. A positive and preventive response to non-criminal behavior is more appropriate than incarceration which increases a child's alienation and resentment, and provides exposure to delinquent behavior and peer pressure. Incarceration punishes the child while the dysfunctional family or environmental problems promulgating the ungovernable behavior are not corrected or addressed. The Advisory Council promotes the integration of the non-criminal offender back into his family unit as immediately as possible with the use of community-based services to assist the entire family unit.
- 5) The Council supports the concept of the family in need of services and the family court. In general the family in need of services concept provides for court intervention for the following behaviors: running away, truancy, disregard for or misuse of parental authority, use of intoxicating beverages, and "delinquent acts" by children under the age of 10. The concept provides for the family court to exercise jurisdiction over the juvenile, the family, and any public institution or agency with a legal responsibility or discretionary ability to provide needed services to the child and/or family.

The concept envisions the family court as the agency of last resort in dealing with these behaviors, placing great emphasis on the exploration and exhaustion of community-based resources before any formal court action is taken. Once jurisdiction is established, it extends to the juvenile, the family, and any public institution or agency with the legal responsibility or discretionary ability to provide needed services for the child and/or family. Implementation of this concept would take some time and legislative changes but it is undoubtedly a viable approach to status offenders and their families.

In conclusion, it must be made clear that the Council does not promote the intent of the JJDP solely for the receipt of federal funds. The funding level is rather insignificant as compared to other federal programs. The Council firmly believes that non-criminal youth should not be treated as

delinquents and should not be punished by secure detention. In order to protect the rights of children and to provide more humane treatment, the Council encourages the full implementation of the JJDP Act in Arizona and urges that appropriate enabling state legislation be enacted.

APPENDIX

TABLE 3
COMPARISON OF NUMBER OF STATEWIDE
JUVENILE ARRESTS BY OFFENSE
STATE OF ARIZONA
1975-1976-1977-1978

Offenses	1975	1976	1977	1978	1977-1978 % Change	1975-1978 % Change
PART I CRIMES						
Murder/Non-negligent						
Manslaughter	23	20	16	17	+6.3	-26.1
Manslaughter by Negligence	8	2	11	8	-27.3	0.0
Forcible Rape	67	51	44	49	+11.4	-26.9
Robbery	369	311	338	357	+5.6	-3.3
Aggravated Assault	569	522	577	604	+4.7	+6.2
Burglary	4,390	4,166	3,852	3,638	-5.6	-17.1
Larceny/Theft	9,116	9,229	9,493	9,295	-2.1	+2.0
Motor Vehicle Theft	938	984	1,012	1,020	+0.8	+8.7
Total Part I Crime	15,480	15,285	15,343	14,988	-2.3	-3.2
PART II CRIMES						
Simple Assault	1,105	1,055	1,169	1,358	+16.2	+22.9
Arson	245	163	186	188	+1.1	-23.3
Forgery/Counterfeiting	56	73	68	70	+2.9	+25.0
Fraud	133	127	164	105	-36.0	-21.1
Embezzlement	35	25	16	25	+56.3	-28.6
Stolen Property	566	493	484	421	-13.0	-25.6
Vandalism	1,812	1,716	1,551	1,731	+11.6	-4.5
Weapons	334	358	344	320	-7.0	-4.2
Prostitution	39	29	32	31	-3.1	-20.5
Sex Offenses	201	155	137	164	+19.7	-18.4
Narcotic Drugs - Possession	2,472	2,835	2,792	1,861	-33.3	-24.7
Narcotic Drugs - Sale/Mfg.	110	146	95	110	+15.8	0.0
Gambling	1	6	1	2	+100.0	+100.0
Offenses Against Family	256	169	23	18	-21.7	-93.0
Driving Under Influence	520	534	563	575	+2.1	+10.6
Drunkenness	169	67	110	—	—	—
Disorderly Conduct	1,040	1,116	1,270	1,182	-6.9	+13.7
Vagrancy	121	91	32	41	+28.1	-66.1
All Other Non-Traffic	3,320	3,052	3,249	3,191	-1.8	-3.9
Status Offender Crimes:						
Liquor Laws	1,919	1,930	2,407	2,419	+0.5	+26.1
Curfew/Loitering	1,527	1,673	1,567	1,584	+1.1	+3.7
Runaway	4,893	4,951	4,934	4,753	-3.7	-2.9
Total Status						
Offender Crimes	8,339	8,554	8,908	8,756	-1.7	+5.0
Total Part II Crime	20,874	20,764	21,194	20,149	-4.9	-3.5
GRAND TOTAL - Part I and Part II Crimes	36,354	36,049	36,537	35,137	-3.8	-3.3

SOURCE: Uniform Crime Reports Section of the Arizona Department of Public Safety

NOTE: Drunkenness was eliminated from the UCR data due to the implementation of the new criminal code.

TABLE 4
COMPARISON OF STATEWIDE JUVENILE
ARREST RATES BY OFFENSE
PER 1,000 POPULATION
STATE OF ARIZONA
1975-1976-1977-1978

Offenses	1975	1976	1977	1977-1978		1975-1978	
				1978	% Change	% Change	% Change
PART I CRIMES							
Murder/Non-negligent							
Manslaughter	.03	.03	.02	.02	0	-33.3	
Manslaughter by							
Negligence	.01	.00	.01	.01	0	0	
Forcible Rape	.09	.07	.06	.06	0	-33.3	
Robbery	.50	.42	.46	.47	+2.2	-6.0	
Aggravated Assault	.77	.71	.78	.80	+2.6	+3.9	
Burglary	5.9	5.7	5.2	4.8	-7.7	-18.6	
Larceny/Theft	12.3	12.6	12.8	12.2	-4.7	-8.1	
Motor Vehicle Theft	1.3	1.3	1.4	1.3	-7.1	0	
Rates - Part I Crimes	20.9	20.8	20.7	19.8	-4.3	-5.3	
PART II CRIMES							
Simple Assault	1.5	1.4	1.6	1.8	+12.5	+20.0	
Arson	.33	.22	.25	.25	0	-24.2	
Forgery/Counterfeiting	.08	.10	.09	.09	0	+12.5	
Fraud	.18	.17	.22	.14	-36.4	-22.2	
Embezzlement	.05	.03	.02	.03	+50.0	-40.0	
Stolen Property	.76	.67	.65	.55	-15.4	-27.6	
Vandalism	2.4	2.3	2.1	2.3	+9.5	-4.2	
Weapons	.45	.49	.46	.42	-8.7	-6.7	
Prostitution	.05	.04	.04	.04	0	-20.0	
Sex Offenses	.27	.21	.18	.22	+22.2	-18.5	
Narcotic Drugs - Possession	3.3	3.9	3.8	2.5	-34.2	-24.2	
Narcotic Drugs - Sale/Mfg.	.15	.20	.13	.14	+7.7	-6.7	
Gambling	.00	.01	.00	.00	0	0	
Offenses Against Family	.35	.23	.03	.02	-33.3	-94.3	
Driving Under Influence	.70	.73	.76	.76	0	+8.6	
Drunkenness	.23	.09	.15	—	—	—	
Disorderly Conduct	1.4	1.5	1.7	1.6	-5.9	+14.3	
Vagrancy	.16	.12	.04	.05	+25.0	-68.8	
All Other Non-Traffic	4.5	4.2	4.4	4.2	-4.5	-6.7	
Status Offender Crimes:							
Liquor Laws	2.6	2.6	3.2	3.2	0	+23.1	
Curfew/Loitering	2.1	2.3	2.1	2.1	0	0	
Runaway	6.6	6.7	6.6	6.3	-4.5	-4.5	
Rates-Status Offenses	11.2	11.7	12.0	11.5	-4.2	+2.7	
Rates - Part II Crimes	28.1	28.3	28.5	26.6	-6.7	-5.3	
GRANDTOTAL RATE							
PER 1,000	49.0	49.1	49.2	46.3	-5.9	-5.5	

SOURCE: Uniform Crime Reports Section of Arizona Department of Public Safety; Population figures from from Arizona Department of Economic Security.

NOTE: Drunkenness was eliminated from the UCR data in 1978, due to the implementation of the new criminal code.

TABLE 5
JUVENILE DELINQUENCY AND STATUS
OFFENDER* ARRESTS BY COUNTY,
1975-1978, AND PROJECTIONS TO 1980

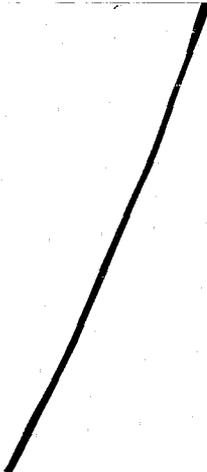
County	1975	1976	1977	1978	1979	1980
Apache						
Juvenile Arrests	N/A	55	105	180	238	301
% of Total Arrests		20%	29%	27%		
Delinquency Arrests	N/A	47	83	140	183	230
% of Total Juvenile Arrests		(85%)	(79%)	(78%)		
Status Offender Arrests	N/A	8	22	40	55	71
% of Total Juvenile Arrests		(15%)	(21%)	(22%)		
Cochise						
Juvenile Arrests	1,243	1,339	1,448	1,410	1,513	1,574
% of Total Arrests	31%	33%	32%	36%		
Delinquency Arrests	953	956	1,126	1,033	1,120	1,161
% of Total Juvenile Arrests	(77%)	(71%)	(78%)	(73%)		
Status Offender Arrests	290	383	322	377	393	413
% of Total Juvenile Arrests	(23%)	(29%)	(22%)	(27%)		
Coconino						
Juvenile Arrests	1,182	1,371	1,257	1,371	1,409	1,454
% of Total Arrests	18%	15%	15%	18%		
Delinquency Arrests	747	796	760	813	820	836
% of Total Juvenile Arrests	(63%)	(58%)	(60%)	(59%)		
Status Offender Arrests	435	575	497	558	589	618
% of Total Juvenile Arrests	(37%)	(42%)	(40%)	(41%)		
Gila						
Juvenile Arrests	472	442	376	417	369	346
% of Total Arrests	25%	20%	20%	27%		
Delinquency Arrests	344	328	283	317	287	274
% of Total Juvenile Arrests	(73%)	(74%)	(75%)	(76%)		
Status Offender Arrests	128	114	93	100	83	72
% of Total Juvenile Arrests	(27%)	(26%)	(25%)	(24%)		
Graham						
Juvenile Arrests	142	134	200	233	262	296
% of Total Arrests	24%	25%	33%	34%		
Delinquency Arrests	96	95	146	163	188	213
% of Total Juvenile Arrests	(68%)	(71%)	(73%)	(70%)		
Status Offender Arrests	46	39	54	70	74	83
% of Total Juvenile Arrests	(32%)	(29%)	(27%)	(30%)		
Greenlee						
Juvenile Arrests	122	105	141	88	98	91
% of Total Arrests	26%	22%	39%	34%		
Delinquency Arrests	56	55	84	49	63	64
% of Total Juvenile Arrests	(46%)	(52%)	(60%)	(56%)		
Status Offender Arrests	66	50	57	39	35	27
% of Total Juvenile Arrests	(54%)	(48%)	(40%)	(44%)		

Maricopa (Includes DPS)						
Juvenile Arrests	17,698	17,993	17,515	17,434	17,343	17,216
% of Total Arrests	30%	30%	28%	31%		
Delinquency Arrests	14,252	14,183	13,599	13,736	13,410	13,196
% of Total Juvenile Arrests	(81%)	(79%)	(78%)	(79%)		
Status Offender Arrests	3,446	3,810	3,916	3,698	3,933	4,019
% of Total Juvenile Arrests	(19%)	(21%)	(22%)	(21%)		
Mohave						
Juvenile Arrests	323	306	349	321	334	338
% of Total Arrests	28%	28%	26%	22%		
Delinquency Arrests	194	198	233	196	216	220
% of Total Juvenile Arrests	(60%)	(65%)	(67%)	(61%)		
Status Offender Arrests	129	108	116	125	119	118
% of Total Juvenile Arrests	(40%)	(35%)	(33%)	(39%)		
Navajo						
Juvenile Arrests	690	492	650	633	613	612
% of Total Arrests	22%	17%	21%	19%		
Delinquency Arrests	413	281	382	361	346	340
% of Total Juvenile Arrests	(60%)	(57%)	(59%)	(57%)		
Status Offender Arrests	277	211	268	272	268	272
% of Total Juvenile Arrests	(40%)	(43%)	(41%)	(43%)		
Pima						
Juvenile Arrests	11,909	10,854	11,018	9,337	8,892	8,136
% of Total Arrests	50%	48%	46%	43%		
Delinquency Arrests	9,097	8,221	8,233	6,765	6,333	5,635
% of Total Juvenile Arrests	(76%)	(76%)	(75%)	(72%)		
Status Offender Arrests	2,812	2,633	2,785	2,572	2,559	2,502
% of Total Juvenile Arrests	(24%)	(24%)	(25%)	(28%)		
Pinal						
Juvenile Arrests	878	915	1,066	1,232	1,326	1,447
% of Total Arrests	24%	25%	27%	31%		
Delinquency Arrests	640	698	853	971	1,078	1,192
% of Total Juvenile Arrests	(73%)	(76%)	(80%)	(79%)		
Status Offender Arrests	238	217	213	261	249	255
% of Total Juvenile Arrests	(27%)	(24%)	(20%)	(21%)		
Santa Cruz						
Juvenile Arrests	173	176	137	142	124	111
% of Total Arrests	23%	24%	19%	18%		
Delinquency Arrests	158	162	122	137	119	109
% of Total Juvenile Arrests	(91%)	(92%)	(89%)	(96%)		
Status Offender Arrests	15	14	15	5	5	2
% of Total Juvenile Arrests	(9%)	(8%)	(11%)	(4%)		
Yavapai						
Juvenile Arrests	726	638	625	692	642	630
% of Total Arrests	40%	40%	31%	30%		
Delinquency Arrests	535	513	474	527	497	490
% of Total Juvenile Arrests	(74%)	(80%)	(76%)	(76%)		
Status Offender Arrests	191	125	151	165	145	140
% of Total Juvenile Arrests	(26%)	(20%)	(24%)	(24%)		

Yuma						
Juvenile Arrests	789	1,229	1,650	1,647	2,078	2,377
% of Total Arrests	22%	30%	35%	34%		
Delinquency Arrests	526	962	1,251	1,173	1,536	1,759
% of Total Juvenile Arrests	(67%)	(78%)	(76%)	(71%)		
Status Offender Arrests	263	267	399	474	542	619
% of Total Juvenile Arrests	(33%)	(22%)	(24%)	(29%)		
State Totals						
Juvenile Arrests	36,354	36,049	36,537	35,137	35,229	34,912
% of Total Arrests	33%	32%	31%	30%		
Delinquency Arrests	28,015	27,495	27,629	26,381	26,188	25,711
% of Total Juvenile Arrests	(77%)	(76%)	(76%)	(75%)	(74%)	(74%)
Status Offender Arrests	8,339	8,554	8,908	8,756	9,041	9,201
% of Total Juvenile Arrests	(23%)	(24%)	(24%)	(25%)	(26%)	(26%)

Source: Uniform Crime Report Section of the Arizona Department of Public Safety

*Includes Incurrigible, Runaway, Liquor violations and all other non-delinquency juvenile offenses.



END